

STEVEN T. JAFFE, ESQ.
Nevada Bar No. 7035
sjaffe@lawhjc.com
JONATHAN A. RICH, ESQ.
Nevada Bar No. 15312
jrich@lawhjc.com

HALL JAFFE & CLAYTON, LLP
7425 Peak Drive
Las Vegas, Nevada 89128
(702) 316-4111
Fax (702) 316-4114

*Attorney for Defendant
Lowe's Home Centers, LLC*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MAURICE MOREHEAD, AND SHERYL
MOREHEAD,

Plaintiffs,

vs.

LOWE'S HOME CENTERS, LLC, DOES I
THROUGH 20; AND ROE BUSINESS
ENTITIES 1-20, INCLUSIVE,

Defendants.

Case No.: 2:18-cv-01074-RFB-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY
(8th Request)**

Pursuant to Fed R. Civ. P. 6, Fed. R. Civ. P. 26, LR IA 6-1, LR IA 6-2, LR 7-1, and LR 26-4, the parties stipulate and agree that there is good cause to extend the discovery deadlines in the operative discovery plan [ECF No. 30], as set forth below.

1. Pursuant to LR 26-4(a), the parties stipulate that the following discovery was completed:

- The parties served initial and supplemental disclosures pursuant to Rule 26(a)(1).
- Lowe's Home Centers, LLC ("Lowes") responded to written discovery served by Plaintiffs.
- Plaintiff Maurice Morehead responded to written discovery served by Lowes.
- Lowes served about 66 subpoenas to obtain records from Mr. Morehead's prior and

current medical providers and his prior employers.

- Maurice Morehead underwent a Rule 35 examination with a neuropsychologist and a neurosurgeon.
- The parties designated initial and rebuttal experts.
- Plaintiffs completed the depositions of Charlotte Leslie, Stacie Ford, Michael White, Alnisha Grimes/Bloyer
- Lowes completed the depositions of Maurice Morehead, Sheryl Morehead, Dr. Gregory Douds, Dr. Craig T. Tingey, Dr. Daniel Kokmeyer, Dr. Stuart Kaplan, Dr. Eric Biesbroeck, M.D., Dr. Jeffrey Gross

2. Pursuant to LR 26-4(b), the parties stipulate that they need to complete the following discovery:

None

3. Pursuant to LR 26-4(c), the parties stipulate an extension is needed for the following reasons:

This is a personal injury action in which Plaintiff Maurice Morehead is claiming over \$400,000 in past medical specials and over \$1.1 million in future medical expenses (present value). Mr. Morehead claims injuries to his hand, knee, cervical spine, lumbar spine, head, and brain. He has undergone surgeries on the hand, knee, and lumbar spine and claims permanent cognitive deficits. The parties have completed a substantial amount of discovery to date.

On November 17, 2020, the parties obtained an order extending discovery to complete remaining, critical discovery prior to the start of trial. ECF No. 32. The extension was obtained because of the impact of the coronavirus pandemic on this discovery. The stipulation and order filed on November 17, 2020 outlines specific problems encountered for these experts. Unfortunately, and despite best efforts, the parties were still unable to complete the remaining three depositions before January 29, 2021, for varying reasons stemming from the coronavirus outbreak.

Counsel needed to meet and confer to discuss the reality that despite all efforts, the

1 desired depositions were unable to be completed prior to discovery. Although counsel for both
2 parties were receptive to have the depositions go forward and discussed the possibility of
3 extending the discovery deadlines again, they agreed that the potential probative value did not
4 justify prolonging discovery even further. In addition, Plaintiffs' counsel finished moving
5 their place of operations from Utah to Washington. These two events delayed counsel's meet
6 and confer conference to determine if additional extensions to the discovery deadlines would
7 be a viable option. Counsel were finally able to meet and confer on April 20, 2021. Counsel
8 then prepared this stipulation.

9 This constitutes good cause to extend the deadline to complete the joint pre-trial order.
10 The parties have remained in contact with one another and made diligent efforts to resolve the
11 outstanding discovery issues, but as time dragged on, both parties came to the realization that
12 this matter needed to proceed forward. The parties now want to ensure that they have
13 sufficient time to exchange proposed orders and in turn produce a competent joint pre-trial
14 order.

15 The parties can also demonstrate excusable neglect for the timing of this submission.
16 While aware of the need to extend discovery to complete the joint pre-trial order, the parties
17 delayed submitting this stipulation until counsel was available to have a meaningful meet and
18 confer about the realities of the remaining outstanding discovery that had not been completed.
19 This meet and confer took place on April 20, 2021, and this stipulation followed immediately
20 thereafter.

21 This extension is made in good faith and will not unreasonably delay the resolution of
22 this action. The extension is also necessary to allow the parties to complete the requisite joint
23 pre-trial order that precedes the start of trial.

24 When proposing these new deadlines, the parties have taken into consideration their
25 availability, and the time necessary to produce a joint pre-trial order. This is also a civil action
26 with a jury demand and the parties presently expect trial will last three weeks due to the
27 number of witnesses and the current triable issues. The parties do not believe that the
28 requested extension will impact bringing this matter to trial in a timely manner.

4. Pursuant to LR 26-4(d), the parties stipulate to the following proposed schedule for completing all remaining discovery:

1. Extend the date to file the Joint Pre-Trial Order from 3/26/2021 to 5/14/2021.
2. Fed. R. Civ. P. 26(a)(3) Disclosures and objections must be included in the Joint Pre-Trial Order.

Dated: April 20, 2021.	Dated: April 20, 2021.
HALL JAFFE & CLAYTON, LLP	STUCKI INJURY LAW
By: <u>/s/ Jonathan A. Rich, Esq.</u> Steven T. Jaffe, Esq. Nevada Bar No. 7035 Jonathan A. Rich, Esq. Nevada Bar No. 15312 7425 Peak Drive Las Vegas, Nevada 89128 <i>Attorney for Lowe's Home Centers, LLC</i>	By: <u>/s/ Kyle A. Stucki, Esq.</u> Kyle A. Stucki, Esq. Nevada Bar No. 12646 1980 Festival Plaza Dr., Ste. 300 Las Vegas, Nevada 89135 <i>Attorneys for Maurice Morehead & Sheryl Morehead</i>

ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT COURT JUDGE

DATED: April 21, 2021